

WO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Sam Chan,

Petitioner,

v.

Katrina Kane,

Respondent.

CV 11-166-PHX-PGR (MEA)

ORDER

Currently before the Court is the Report and Recommendation of Magistrate Judge Aspey (Doc. 10) based on Petitioner's Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2241. Petitioner alleges that he has been detained in excess of the six-month period held to be presumptively reasonable in *Zadvydas v. Davis*, 533 U.S. 678 (2001), and that there is no significant likelihood of removal in the reasonably foreseeable future.¹ Having reviewed *de novo* the Petition, the Report and Recommendation of Magistrate Judge Aspey, Petitioner's objections thereto and Respondent's reply, the Court finds that Petitioner's objections lack merit. Specifically, the Court agrees with the Magistrate Judge's finding that "Petitioner has not established that his particular circumstances make it unlikely that he will be removed in the reasonably foreseeable future."² (Doc. 10 at 8.)

¹ On March 25, 2010, Petitioner was taken into custody as a removable alien under section 237(a)(2)(B)(i) of the INA, 8 U.S.C. § 1227(a)(2)(B)(i). The removal period commenced on May 5, 2010, when Petitioner was ordered removed to Cambodia.


² Respondent indicates that Petitioner "is on the Cambodian approved travel document list and that his travel document will be forthcoming." (Doc. 13, Ex. 14.)

1 Accordingly,

2 IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation
3 (Doc. 10) is **ACCEPTED** and **ADOPTED** by the Court.

4 IT IS FURTHER ORDERED that Petitioner's Petition for Writ of Habeas Corpus
5 (Doc. 1) is **DENIED** and **DISMISSED** with prejudice.

6 DATED this 6th day of June, 2011.

7
8 
9 Paul G. Rosenblatt
United States District Judge